IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.3537/2005
Nainu Hussain
V/s
Shri Babu Bhai & Ors.

Date of order : : 26.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.J.P. Gupta, for the appellant.

This is an appeal on behalf of the injured appellant for enhancement of compensation against the award dated 9.9.2005 in MAC case No.375/2004 (483/99) passed by the MACT cum Additional District Jude, (Fast Track No.1), Beawar.

The facts, in brief, of the case are that on 16.3.1999 the appellant was traveling in the truck No.GJ-9-T-8264, when they reached on the Bus Stand Jawaja, there was a Bus No.RJ-18-P-0255, which was stopped on the side of the road for passengers, the truck collided with the bus from behind. As a result of which, the appellant sustained injuries.

The Claims Tribunal has awarded in all Rs.28,000/- compensation for three simple injuries as per Ex.14. While awarding the said compensation, the Claims Tribunal has taken into consideration the

period of admission in the hospital, 14% disability certificate and injury report Ex.40 and X-Ray report Ex.5.

The submission of counsel for the appellant is that there was 14% disability and for 14% disability, more amount should have been awarded. The Claims Tribunal has committed an error in not relying Ex.41 wherein disability has been shown as 14%.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

The Claims Tribunal considered Ex.40 and Ex.5 i.e. injury report and X-Ray report wherein the injuries have been shown simple in nature and on the basis of these documents, the Tribunal concluded that in such circumstances, there cannot be 14% disability and rightly awarded compensation of Rs.28,000/- in all for the said injuries.

I find no force in the appeal. The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-